

5.04

Justification: Self-Defense, Duress, Necessity

[Updated: 11/25/15]

If you find that the government has proven beyond a reasonable doubt all the elements of the crime, you must then determine whether [defendant] has proven by a preponderance of the evidence that [he/she] committed the crime only because of justification. For you to find [defendant] not guilty only because of justification, you must be persuaded that [defendant] has proven each of these things by a preponderance of the evidence:

First, [defendant] acted under an immediate threat of serious bodily injury or death;

Second, [defendant] had a well-grounded belief that the threat will be carried out;

Third, [defendant] had no reasonable opportunity to escape, or otherwise frustrate the threat.

“Preponderance of the evidence” is evidence that considered in light of all the facts, leads you to believe that what [he/she] claims is more likely true than not.

Comment

(1) The United States Supreme Court has stated that “[t]here is no federal statute defining the elements of the duress defense,” and that “[w]e have not specified the elements of the defense.” Dixon v. United States, 548 U.S. 1, 5 n.2 (2006). In Dixon, the Court used a four-element test applied by the district court, but stated that it merely “presume[d] the accuracy of the District Court’s description of these elements.” Id. The four-element test provides:

First, [defendant] acted under an unlawful and immediate threat that would provoke a well-grounded apprehension of serious bodily injury or death;

Second, [defendant] did not recklessly [or negligently] place [himself/herself] in such a situation;

Third, [defendant] had no reasonable, legal alternative, that is, no chance both to refuse to perform the criminal act and to avoid the threatened harm; and

Fourth, [defendant] committed the crime only because of the threat.

Dixon, 548 U.S. at 5 n.2. In a felon-in-possession case, the First Circuit “adopt[ed] the four-part framework for justification discussed by the Supreme Court in Dixon,” United States v. Leahy, 473 F.3d 401, 409 (1st Cir. 2007), and applied it as a generic “justification” defense, stating that self-defense, duress, and necessity all fit “under a single, unitary rubric: justification.” Id. at 406. Leahy did not say that its unitary rubric and four-element test were limited to felon-in-possession cases. It did state that “although we believe it is useful to speak of a single justification defense, we caution that different factual scenarios may require variations in the phrasing of the four-factor

test. . . . Those nuances remain to be developed in future cases.” *Id.* at 409. Soon thereafter, in a drug distribution case, the First Circuit reverted to its previous three-factor test for duress without any reference to *Leahy*, a unitary justification defense, or a four-element test. *See United States v. Bravo*, 489 F.3d 1, 10 (1st Cir. 2007). More recently, the First Circuit has again used the three-part test in *United States v. Lebreault-Feliz*, 807 F.3d 1, 3-4 (1st Cir. 2015) (duress three-factor test); *United States v. Navedo-Ramirez*, 781 F.3d 563, 569 (1st Cir. 2015), and *United States v. González-Pérez*, 778 F.3d 3, 13 (1st Cir. 2015) (citing *United States v. Díaz-Castro*, 752 F.3d 101 (1st Cir. 2014) (applying the three-element test to the defendant’s duress defense); *United States v. Arthurs*, 73 F.3d 444, 448 (1st Cir. 1996) (listing the three-element test for the duress defense). It seems that the First Circuit is more comfortable with the three-element test for the duress defense.

(2)

In assessing whether a defendant has established sufficient grounds to mount a duress defense, courts do not examine the defendant’s subjective perceptions about whether the threat was likely to be acted upon or whether escape was possible. Rather, as suggested by our use of the qualifiers “well-grounded” and “reasonable” in describing the elements of the defense, the inquiry hypothesizes a defendant of ordinary firmness and judgment and asks what such a defendant was likely to have experienced or how such a defendant was likely to have acted.

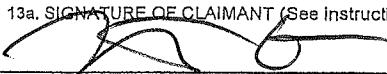
United States v. Castro-Gomez, 360 F.3d 216, 219 (1st Cir. 2004) (citation omitted); *accord United States v. Vázquez*, 724 F.3d 15, 28 (1st Cir. 2013). *Dixon*, however, uses only the adjective “well-grounded.” 548 U.S. at 5 n.2.

(3) In *Dixon*, the Court held squarely that the burden of proof in a duress defense rests upon the defendant, and the standard is proof by a preponderance. 548 U.S. at 17. The First Circuit recognizes the availability of a justification defense in a federal felon-in-possession case, and assigns the burden of proof to the defendant. *Leahy*, 473 F.3d at 409. There may be a narrow exception where the duress affects the *mens rea* for the crime. *See id.* (burden of proof holding is limited to justification defenses that “do not go to the elements of the [crime]”). In *Dixon*, however, the *mens rea* was knowledge of falsity or knowledge of law-breaking, and the Court held that perceived duress did not negate that required state of mind. 548 U.S. at 6.

(4) “A necessity instruction is appropriate only where there is evidence sufficient to create a triable issue that a defendant ‘had no legal alternative but to violate the law.’” *United States v. Holliday*, 457 F.3d 121, 128 (1st Cir. 2006) (quoting *United States v. Ayala*, 289 F.3d 16, 26 (1st Cir. 2002)).

(5) Before the justification defense can go to the jury, the court must determine that the defendant has met the “entry-level burden” of producing enough evidence to support the defense’s elements. *United States v. Lebreault-Feliz*, 807 F.3d 1, 4 (1st Cir. 2015) (necessity); *Ayala*, 289 F.3d at 26 (necessity); *United States v. Maxwell*, 254 F.3d 21, 26 (1st Cir. 2001) (same); *see also United States v. Sued-Jiménez*, 275 F.3d 1, 6 (1st Cir. 2001); *United States v. Arthurs*, 73 F.3d 444, 448 (1st Cir. 1996); *United States v. Amparo*, 961 F.2d 288, 291 (1st Cir. 1992). The entry-level burden is a burden of production, not persuasion. *United States v. Bailey*, 444 U.S. 394, 415 (1980); *cf. Amparo*, 961 F.2d at 291 (describing the burden of production necessary to support the defense of duress).

Exhibit 7

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.	FORM APPROVED OMB NO. 1105-0008
1. Submit To Appropriate Federal Agency: U.S. DOJ 950 Pennsylvania Ave NW Washington, DC 20530-001		2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Martin S. Gottesfeld Reg. No.: 12982-104 Federal Correctional Institution P.O. Box 33, Terre Haute, IN 47808	
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 03/05/1984	5. MARITAL STATUS Married	6. DATE AND DAY OF ACCIDENT July 2014 - ongoing
7. TIME (A.M. OR P.M.) Unknown			
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) See attached statement of facts			
9. PROPERTY DAMAGE NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).			
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.)			
10. PERSONAL INJURY/WRONFUL DEATH STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDEDENT.			
11. WITNESSES NAME _____ ADDRESS (Number, Street, City, State, and Zip Code) _____			
12. (See instructions on reverse.)		AMOUNT OF CLAIM (in dollars)	
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY \$50,000,000,000	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$50,000,000,000
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM			
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 	13b. Phone number of person signing form Not Applicable		14. DATE OF SIGNATURE 08/24/2019
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)	
The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			

Statement of Facts:

1. This statement of facts is being made by Mr. Martin S. Gottesfeld, federal registration number 12982-104, pursuant to 18 U.S.C. §2712(b)(1) for a violation(s) of 18 U.S.C. §§ 2501 et seq. and 2701 et seq, hereafter the "wrongful act(s)."

2. The wrongful act(s) became known to Mr. Gottesfeld less than two (2) years ago in 2017 through discovery in the case of United States v. Gottesfeld (D. Mass. 16-cr-10305) and there was no prior way for Mr. Gottesfeld to have otherwise discovered the wrongful act(s) through reasonable diligence due to measures taken by agents of the United States to hide the wrongful act(s) from Mr. Gottesfeld.

3. Mr. Gottesfeld is not the only victim of the wrongful act(s) and Mrs. Dana E. Gottesfeld is at least one (1) other such victim.

4. There was likewise no prior way for other victims including Mrs. Dana E. Gottesfeld to have discovered the wrongful act(s) through reasonable diligence due to measures taken by agents of the United States to hide the wrongful acts from all the victims, including Mrs. Gottesfeld.

5. Beginning in approximately July 2014, FBI Special Agent Michael W. Tunick, then of the Boston FBI Cybercrime Squad, knowingly and with malicious intent, accompanied by then--Assistant-U.S.-Attorney Adam J. Bookbinder and Assistant-U.S.-Attorney David J. D'Addio, each acting either negligently in their duties as officers of the court or with knowing and malicious intent, did violate 18 U.S.C. §3121(c) by misleading U.S. Magistrate Judge Jennifer Boal through obfuscatory technical jargon and outright falsehood into issuing a pen-register/tap-and-trace order purporting to authorize them, as agents of the United States, to intercept the contents of Internet communications without a warrant at Mr. Gottesfeld's home, located at 28 Albion St., Apt 1, Somerville, MA 02143.

6. By defrauding the court, Special Agent Tunick and AUSAs Bookbinder and D'Addio, then intercepted without a warrant the TCP and UDP port numbers of all Internet communications over Mr. Gottesfeld's home Internet connection for a months-long period ending in 2014 (or so these agents say).

7. TCP and UDP port numbers clearly and irrefutably are contents as defined by the relevant statute, 18 U.S.C. §2510(8).

8. Anyone with the technical skills and experience that Special Agent Tunick purported himself to have in his application to Magistrate Boal would know that TCP and UDP port numbers clearly and irrefutably qualify as contents under 18 U.S.C. §2510(8).

9. The wrongful act(s) were the proximate cause of a later unlawful search of Mr. Gottesfeld's home at 28 Albion St., Apt. 1, Somerville, MA 02143, and the seizure of thousands of dollars of Mr. Gottesfeld's equipment.

10. The wrongful act(s) were also the proximate cause of great emotional damage to Mr. and Mrs. Gottesfeld, ultimately leading to their flight at great risk, great financial cost, and great reputational harm, as well as loss of liberty, away from the perpetrators of these and other wrongful acts.

11. The wrongful act(s) proximately caused the unlawful and immoral prosecution of Mr. Gottesfeld, and in turn, his continuing loss of liberty, familial and marital consortium, income, business opportunities, public and professional stature, physical and mental health, and other damages. The wrongful

wrongful acts also proximately caused Mr. and Mrs. Gottesfeld to suffer reputational harm and financial harm in unsuccessful attempts at mitigation.

12. At every stage, Special Agent Tunick and AUSAs Bookbinder and D'Addio conspired with themselves and other agents to deny Mr. Gottesfeld any and all relief to which he was entitled under the laws of the United States, and these concerted and willful efforts caused Mr. Gottesfeld to suffer further financial, reputational, Constitutional, physical, and mental harms.

13. The wrongful act(s) further caused Mr. Gottesfeld to lose his freedom of association and deprived him of his freedom of speech, freedom of the press, freedom from unreasonable searches and seizures, his right to Due Process, to the counsel of his choice, and his freedom from cruel and unusual punishment.

14. Mr. Gottesfeld calculates his total loss to a sum certain of fifty (50) billion dollars, i.e. \$50,000,000,000.

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

Not Applicable

16. Have you filed a claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No

Not Applicable

17. If deductible, state amount.

Not Applicable

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts.)

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

Not Applicable

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item #12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2871 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

PAPERWORK REDUCTION ACT NOTICE

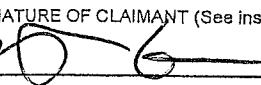
This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

Martin S. Gottesfeld
Reg. No.: 12982-104
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808



Saturday, August 24th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Saturday, Aug. 24th, 2019
Awaiting mailing label for
U.S. AG's office

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This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims. C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

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Martin S. Gottesfeld
Reg. No.: 12982-104
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808



USPS TRACKING #



Label 100, Jun 2013
7683-16-000748

9114 9023 0722 4293 0882 68

Saturday, August 24th, 2019, Houston v. Lack, 487 U.S. 266 (1988)

Saturday, Aug. 24th, 2019
Awaiting mailing label for
FBI HQ

To: CMU Unit Team
From: Martin S. Gottesfeld (Reg. No.: 12982-104)
Date: ~~Tuesday, September 10th, 2019~~
Subject: U.S. Postal Service tracking information?

Salutations Unit Team,

I hope you are well.

May I please get the latest available U.S. Postal Service tracking information for the following tracking numbers?

9114 9023 0722 4293 0879 95 (SASE to PCCF) *says label not created*

9114 9023 0722 4293 0882 68 (If delivered, may I please get a print out for my records?)

9114 9023 0722 4293 0882 82 (If delivered, may I please get a print out for my records?)

9114 9023 0722 4293 0880 39 *delivered also*

9114 9023 0722 4293 0880 77 *delivered also*

Thanks,



Martin S. Gottesfeld

USPS Tracking® FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9114902307224293088282

Remove

Your item was delivered at 5:49 am on September 6, 2019 in WASHINGTON, DC 20530. September 6, 2019

Delivered

September 6, 2019 at 5:49 am
Delivered
WASHINGTON, DC 20530

Get Updates

Feedback

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Tracking History

Product Information

See Less

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

USPS Tracking® FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

[Track Another Package +](#)

Tracking Number: 9114902307224293088268

[Remove](#)

Your item was delivered at 6:02 am on September 9, 2019 in WASHINGTON, DC 20535. [Feedback](#)

Delivered

September 9, 2019 at 6:02 am

Delivered

WASHINGTON, DC 20535

[Get Updates](#)

[Feedback](#)

Text & Email Updates

[Track by Email](#)

Tracking History

[View History](#)

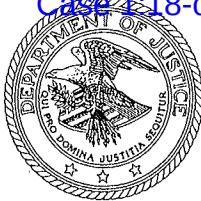
Product Information

[Product Information](#)

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U.S. Department of Justice

Civil Division, Torts Branch
Federal Tort Claims Act Staff

*Post Office Box 888
Benjamin Franklin Station
Washington, D.C. 20044*

GKJ:HLSwann:hls
157-16-NEW

September 18, 2019

Mr. Martin S. Gottesfeld
Reg. No. 12982-104
FCI Terre Haute
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

Re: Administrative Tort Claim of Martin S. Gottesfeld

Dear Mr. Gottesfeld:

This is in response to your administrative tort claim dated August 24, 2019, which you submitted to the Department of Justice (Department). The Department received the claim on September 6, 2019. The Department will be handling your claim as lead agency pursuant to 28 C.F.R. § 14.2(b). All future correspondence concerning this claim should be directed to the Department at the address above. We will contact you if further information is needed.

Very truly yours,

A handwritten signature in cursive ink that reads "Hope L. Swann".

HOPE L. SWANN
Paralegal Specialist
Civil Division, Torts Branch

Exhibit 8

2017 Edition



Federal-State Court Directory

Federal Judges • Clerks of Court • Court Librarians
Probation Officers • Federal Prosecutors
Federal Public Defenders • Court Enforcement

Leadership Directories

2017 Edition

Federal-State Court Directory

**Federal Judges • Clerks of Court • Court Librarians
Probation Officers • Federal Prosecutors
Federal Public Defenders • Court Enforcement**

LEADERSHIP DIRECTORIES, INC.

www.leadershipdirectories.com
info@leadershipdirectories.com

New York Office 1407 Broadway, Suite 318
New York, NY 10018
(212) 627-4140
Fax (212) 645-0931

Washington, DC Office 1667 K Street, NW, Suite 801
Washington, DC 20006
(202) 347-7577
Fax (202) 628-3430

U.S. District Courts	United States District Court for the District of Massachusetts
<i>United States Bankruptcy Court for the District of Maryland continued</i>	
United States Bankruptcy Court for the District of Maryland	United States District Court for the District of Massachusetts <i>continued</i>
Bankruptcy Judge: Wendelin I. Lipp (301) 344-3377	District Judge: George A. O'Toole, Jr. Suite 4730 (617) 748-9618
Began Service: 2006	Began Service: July 10, 1995
6500 Cherrywood Lane, Room 365,	Appointed By: President William J. Clinton
Greenbelt, MD 20710	E-mail: george.o'toole@md.uscourts.gov
Began Service: Robert A. Gordon (410) 962-4162	District Judge: F. Dennis Sawyer IV (617) 748-9212
Began Service: June 2006	Began Service: June 15, 2004
Bankruptcy Judge: David E. Rice (410) 962-4211	Appointed By: President George W. Bush
Began Service: April 1, 2011	E-mail: demiss.sayo@md.uscourts.gov
Bankruptcy Judge (recalled): E. Stephen Derby Room 6021	District Judge: Dense J. Casper (617) 748-4829
Began Service: December 9, 1987	Began Service: January 17, 2011
Bankruptcy Judge (recalled): Duncan W. Keir Chambers 18	Appointed By: President Barack Obama
Began Service: 2012	E-mail: dene.casper@md.uscourts.gov
Court Staff	District Judge: Timothy S. Hillman (508) 929-3904
Clerk: Mark A. Neal (410) 962-2688	Began Service: 2012
<i>U.S. Attorney</i>	
Maryland District	Appointed By: President Barack Obama
16 South Charles Street, 4th Floor, Baltimore, MD 21201	E-mail: mark.hillman@md.uscourts.gov
Tel: (410) 962-4800 Fax: (410) 962-3124	District Judge: Indra Talavani (617) 748-9152
U.S. Attorney: Rod J. Rosenstein (410) 209-4800	Began Service: May 12, 2014
E-mail: rod.rosenstein@usdoj.gov	Appointed By: President Barack Obama
<i>Federal Public Defender</i>	
Office of the Federal Public Defender for the District of Maryland	E-mail: indira.talavani@md.uscourts.gov
Nations Bank Center Tower II, 100 South Charles Street, Ninth Floor, Baltimore, MD 21201-1201	District Judge: Mark G. Mastrototaro (617) 785-6804
Capital Office Park, 6411 Ivy Lane, Room 710, Greenbelt, MD 20770	Began Service: June 1, 2014
Tel: (410) 962-3962 (Baltimore) Fax: (410) 962-0872 (Baltimore)	Appointed By: President Barack Obama
Tel: (301) 344-0600 (Greenbelt) Fax: (301) 344-0019 (Greenbelt)	E-mail: mark.mastrototaro@md.uscourts.gov
U.S. Attorney: James "Jim" Wyda (410) 962-3962	District Judge: James Dule Burroughs (617) 748-4232
E-mail: jim.wyda@doj.dhs.gov	Began Service: January 7, 2015
<i>Federal Public Defender</i>	
Office of the Federal Public Defender for the District of Massachusetts	Appointed By: President Barack Obama
John Joseph Moakley U.S. Courthouse, One Courthouse Way, Suite 2200, Boston, MA 02203	E-mail: michael.a.ponsor@md.uscourts.gov
Tel: (617) 748-9152 Fax: (617) 748-9096	Senior Judge: Michael A. Ponsor (413) 785-6824
Internet: www.md.uscourts.gov	Began Service: 1994
Number of Vacancies: 13	Appointed By: President William J. Clinton
Circuit: First	E-mail: michael.ponsor@md.uscourts.gov
<i>Judges</i>	
Chief Judge: Patti B. Saris Suite 8110 (617) 748-4141	Senior Judge: Ronald Reagan
Began Service: November 24, 1993	E-mail: ronald.reagan@md.uscourts.gov
Appointed By: President William J. Clinton	E-mail: honorable.douglas_woodlock@md.uscourts.gov
E-mail: honorable.patti.saris@md.uscourts.gov	Chief Magistrate Judge: Jennifer C. Boal (617) 748-9238
District Judge: William G. Young Suite 570 (617) 748-9138	Began Service: 2010
Began Service: 1985	E-mail: jennifer.boal@md.uscourts.gov
District Judge: Richard G. Stearns Suite 710 (617) 748-9283	Magistrate Judge: Marianne B. Bowler Suite 8420 (617) 748-5219
Began Service: January 5, 1994	Began Service: May 7, 1990
Appointed By: President William J. Clinton	E-mail: marianne.b.bowler@md.uscourts.gov
E-mail: honorable.richard_g.stearns@md.uscourts.gov	Appointed By: President Ronald Reagan
District Judge: Richard G. Stearns Suite 710 (617) 748-9138	E-mail: honorable.douglas_woodlock@md.uscourts.gov
Began Service: October 27, 1992	Chief Magistrate Judge: H. Hennessey (413) 785-6818
Appointed By: President George H.W. Bush	Began Service: January 5, 1995
E-mail: honorable.richard_g.stearns@md.uscourts.gov	E-mail: magistrate.judge.h.hennessey@md.uscourts.gov
District Judge: Donald L. Cabele (617) 748-9233	Magistrate Judge: Katherine A. "Katy" Robertson (413) 785-6802
Began Service: 2010	Magistrate Judge: Donald L. Cabele (617) 748-9233
District Judge (recalled): Jerome J. Niedermeyer (617) 748-9155	Magistrate Judge: Jerome J. Niedermeyer (617) 748-9155
<i>Leadership Directories, Inc.</i>	
<i>(continued on next page)</i>	

United States District Court for the District of Massachusetts *continued*
Court Staff
 Clerk of Court Robert M. Farrell (617) 748-9165
 Chief Probation/Pretrial Officer Christopher Maloney (617) 748-4200

United States Bankruptcy Court for the District of Massachusetts
 John W. McCormack Post Office and Courthouse, 5 Post Office Square,
 Suite 1150, Boston, MA 02109-3945
 Tel: (617) 748-5200 Tel: (617) 748-5350 (PACER)
 Tel: (617) 748-5211 (PACER) Tel: (888) 201-3571 (Toll Free PAPER)
 Tel: (888) 201-3572 (Toll Free Voice Case Information System VOIS)
 Fax: (508) 770-8900 (Worcester Divisional Office) Fax: (617) 748-5315
 Fax: (508) 793-0189 (Worcester Divisional Office) Fax: (617) 748-5315
 Internet: www.nab.uscourts.gov

Number of Judgeships: 5

Judges
 Chief Bankruptcy Judge Melvin S. Hoffman (617) 748-5300
 Bankruptcy Judge Frank J. Bailey (617) 748-5300
 Bankruptcy Judge Joan N. Feeney (617) 748-5631
 Bankruptcy Judge Christopher J. Panos (508) 770-8927
 Began Service: 2016

Court Staff
 Bankruptcy Clerk James M. Lynch (617) 748-5300
 E-mail: james_lynnch@nab.uscourts.gov

U.S. Attorney

Massachusetts District
 Suite 9200, Boston, MA 02110
 Tel: (617) 748-3100 Fax: (617) 748-3953
 U.S. Attorney Carmen M. Ortiz (617) 748-3100
 E-mail: carmen.ortiz@usdoj.gov

Federal Public Defender

Federal Public Defender Office - District of Massachusetts, New Hampshire and Rhode Island
 51 Steeple Street, 5th Floor, Providence, RI 02903
 The Ralph Pill Building, 22 Bridge Street, Third Floor,
 Concord, NH 03301-4922
 (10) Nejisset Street, Third Floor, Providence, RI 02903
 Tel: (603) 223-8061 (Boston) Tel: (603) 226-7160 (Concord)
 Tel: (401) 528-4281 (Providence) Fax: (603) 226-7358 (Concord) Fax: (401) 528-4284 (Providence)
 Federal Public Defender Miriam Conrad (617) 223-8061
 E-mail: miriam.conrad@fd.org

United States District Court for the Eastern District of Michigan
 Theodore Levin U.S. Courthouse, 23 West Lafayette Boulevard,
 Detroit, MI 48226
 Tel: (313) 234-5005 Tel: (313) 226-7249 (PACER)
 Tel: (313) 961-4934 (PACER) Fax: (313) 234-5395
 Internet: www.mied.uscourts.gov

Number of Judgeships: 15
Circuit: Sixth
Areas Covered: Counties of Alcona, Alpena, Arenac, Bay, Cheboygan,
 Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella,
 Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe,
 Montcalm, Oakland, Oscoda, Ogemaw, Oscug, Presque Isle,
 Roscommon, Saginaw, Sanilac, Shawassee, St. Clair, Tuscola, Washtenaw
 and Wayne

Judges
 Chief Judge **Denis Page** Hood Room 251 (313) 234-5100
 Began Service: June 11, 1994
 Appointed By: President William J. Clinton
 District Judge **Gerald E. Rosen** Room 707 (313) 234-5100
 Began Service: 1990
 Appointed By: President George H.W. Bush
 E-mail: gerald.rosen@mied.uscourts.gov
 District Judge **Victoria A. Roberts** Room 123 (313) 234-5100
 Began Service: August 11, 1998
 Appointed By: President George H.W. Bush
 E-mail: Victoria.A.Roberts@mied.uscourts.gov
 District Judge **Paul David Borman** Room 440 (313) 234-5100
 Began Service: September 2, 1994
 Appointed By: President William J. Clinton
 E-mail: paul.borman@mied.uscourts.gov
 District Judge **David M. Lawson** Room 802 (313) 234-5100
 Began Service: August 4, 2000
 Appointed By: President William J. Clinton
 E-mail: David.Lawson@mied.uscourts.gov
 District Judge **Sean F. Cox** Room 257 (313) 234-5100
 Began Service: June 2006
 Appointed By: President George W. Bush
 E-mail: sean.cox@mied.uscourts.gov
 District Judge **Thomas L. Ludington** (898) 894-4666
 Began Service: June 30, 2006
 Appointed By: President George W. Bush
 E-mail: Thomas.Ludington@mied.uscourts.gov
 District Judge **Stephen J. Murphy** III Room 255 (313) 234-5100
 Began Service: July 2, 2008
 Appointed By: President George W. Bush
 E-mail: stephen.j.murphy@mied.uscourts.gov
 District Judge **Mark A. Goldsmith** (313) 234-5100
 Began Service: June 21, 2010
 Appointed By: President Barack Obama
 E-mail: mark.goldsmith@mied.uscourts.gov
 District Judge **Gershwin A. Drain** Room 123 (313) 234-5215
 Began Service: September 29, 2012
 Appointed By: President Barack Obama
 E-mail: Gershwin.A.Drain@mied.uscourts.gov
 District Judge **Jerome G. Berg** (810) 341-3400
 Began Service: December 7, 2012
 Appointed By: President Barack Obama
 E-mail: Jerome.G.Berg@mied.uscourts.gov
 District Judge **Judge J. Michael L. Fitzgerald** (714) 887-4000
 Began Service: March 14, 2014
 Appointed By: President Barack Obama
 E-mail: J.Michael.Fitzgerald@mied.uscourts.gov
 District Judge **Lauren A. Levy** (714) 887-4000
 Began Service: March 14, 2014
 Appointed By: President Barack Obama
 E-mail: Lauren.A.Levy@mied.uscourts.gov
 District Judge **Matthew F. Lai** Room 1013 (313) 234-5100
 Began Service: March 14, 2014
 Appointed By: President Barack Obama
 E-mail: Matthew.F.Lai@mied.uscourts.gov

Exhibit 9

2 magistrates

A B	$\frac{1}{2}$ month are wait for one mag.	50% chance in random draw
1 2	0 wait for either role	
0 1	2 possible rotations AB, BA or CA, AR	

3 magistrates

A B C	$\frac{1}{3}$ month are wait for one mag.	33 1/3% chance in random draw
1 2 3	$\frac{1}{3}$ month are wait for either role = 10.1 days	
0 1 2	12 possible unique 3-month rotations	

$$12 \cdot 3(2) = 6$$

$$0: 3(2) = 6 \quad \cancel{\text{AB, AC, CA}} \quad 1: AB, 3(2)-3-1=2$$

$$1: 3(2)-(3+1)=2 \quad \cancel{\text{BA, BR, RC}} \quad 2: 2(2): BC, 3(2)-3-1-1=1, CA$$

$$2: 3(2)-(3+1)=1=1 \quad \cancel{\text{CA, CB}}$$

$$0: \frac{2}{3} \cdot 12 = 8$$

$$1: \frac{2}{3} \cdot (12-8)=4$$

4 magistrates

A B C D	1.5 month are wait for one mag.	25% chance in random draw
1 2 3 4	$\frac{4}{3}$ month are wait for either role = 17.39 days	
0 1 2 3	216 possible unique 4-month rotations	

$$0: \frac{2}{4} = 6: 12 = 108 \quad 0: 3 \quad \frac{4}{3}$$

$$1: \frac{2}{3} \cdot 108 = 72 \quad 1: 2$$

$$2: \frac{2}{3} \cdot 36 = 36 \quad 2: 1$$

5 magistrates

A B C D E	2 month are wait for one mag.	20% chance in random draw
1 2 3 4 5	1 month are wait for either role = 30.4375 days	
0 1 2 3 4	5280 possible unique 5-month rotations	

A B C D

1.5 month avg wait for part. change.

AB AC AD

1 2 3 4

4) 6

BA BC BD

6 1 2 3

CA CB CD 25% chance in random draw

DA DB DC 12*18 = 216 possible unique 4-month rotations

17.39 days are wait for part. mfg. to fill either role.

316 12

0: 4(3) = 12

18 1

1: 4(3) - 8 = 7 AB

2 1 1

2a: BA = 4(3) - 8 - 5 = 2 = n = 2

8 4

2b: BC = 4(3) - 8 - (4+1) = 2, BD, CA, DA, n = 3 @ 1

8 2

2c: CD = 4(3) - 8 - 3 = 4, DC, ABCD = 6

2

3a: DC = 4(3) - 8 - 5 - 1 = 1, DC

2

3b: DA = 4(3) - 8 - 4 - 2 = 1, DC

4

3c: BC = 4(3) - 8 - 4 - 3 = 1, BA, DA, DC

0: 4(3) = 12

2a: $n^3 - 8n + 6 = 12$ 2b: $2n^2 - 10n + 16 = 0$ 2c: $2n^2 - 10n + 16 = 0$ 1: BC = 4(3) - 8 = 7 2b: $4n^2 - 20n + 24 = 0$

2a: CB = 4(3) - 8 - 5 = 2

2b: AB = 4(3) - 8 - 5 = 2, CA, CD, DB } 18

2c: DA = 4(3) - 8 - 3 = 4, AD,

2d: $2n^2 - 10n + 16 = 0$ 0: 24: $\frac{1}{2} \cdot 24 = 108$ 0: 3: $3^3 - 8 \cdot 3 + 6 = 12$ 1: 12: $\frac{2}{3} \cdot 108 = 72$ 1: 2: $2^3 - 8 \cdot 2 + 6 = 12$ 1.5 month avg. wait for part.2: 1: $\frac{1}{4} \cdot 108 = 36$ 2: 1: $1^3 - 8 \cdot 1 + 6 = 12$ mfg. to fill either role

17.39 days

 $(n^2 - n)(7n^2 - 35n + 46)$ $7n^4 - 7n^3 - 25n^3 + 35n^2 + 46n^2 - 46n$ $7n^4 - 12n^3 + 81n^2 - 46n = 216$

ABCDEF

2 month cap, wait for perf. em. meas.

0 1 2 3 4 5 10

1 2 3 4 5

20% chance in random draw

20. 264 = 5280 possible unique 5 month notations

1 month here wait for performance, in either role = 30.43E

BA + BC + BD + BE = 0: $\frac{1}{3} \cdot 5280 = 1760$ 4 daysCA + CB + CD + CE = 1: $\frac{1}{2} \cdot 3168 = 1584$ 3 daysDA + DB + DC + DE = 2: $\frac{2}{3} \cdot 1584 = 1056$ 2 days $F(3) + F(4)G(3) + H(4)$ EA + EB + EC + ED = 3: $\frac{3}{4} \cdot 1056 = 792$ 1 day

0: $S(4) = 20 = (n^2 - n)$

20. 264 = 5280

1: $S(4) - 7 = 13 = (n^2 - 3n + 3)$

(1. (12 + 108 + 144) = 264)

2a: $BA = S(4) - 7 - 7 = 6, n = 3$

(1. 12) = 12

2b: $BC = S(4) - 7 - 6 = 7, BD, BE, CA, DA, EA$

(6. (8 + 8 + 3) = 108) n = 4 @ 1

2c: $CD = S(4) - 7 - 5 = 8, CE, DA, DE, EC, ED$

(6. (8 + 8) = 144)

3a: $DA = S(4) - 7 - 7 - CD = 2, CE, DC, DE, BC, ED$

(6. 2) = 12. $\frac{2}{3} \cdot 12 = 8$

3b1: $EA = S(4) - 7 - 7 - 5 = 2$

(1. 2) = 2

3b2: $EB = S(4) - 7 - 7 - (4.2) = 2, (E, DA, EA)$

(4. 2) = 8. $\frac{2}{3} \cdot 8 = 4$

3b3: $EC = S(4) - 7 - 7 - 2 = 4, ED$

(1. 4) = 8. $\frac{2}{3} \cdot 8 = 8$

3c1: $EA = S(4) - 7 - 5 - (5 + 1) = 2, BC, DA, DC, (4.2) = 8, n = 3 @ 1$

3c2: $EB = S(4) - 7 - 5 - 4 = 4, DE, EA, EC, (4.4) = 16, n = 4 @ 3. \frac{4}{3} \cdot 16 = 16$

4a1: $DE = S(4) - 7 - 7 - (3 + 1) - 1 = 1, EC$

(1. 2) = 2

4b1: $DE = S(4) - 7 - 7 - 5 - 1 = 1, ED$

(1. 2) = 2

4b2: $DE = S(4) - 7 - 7 - (4 + 1) - 1 = 1, EA$

(1. 2) = 2

4b3: $EA = S(4) - 7 - 7 - 2 - 3 = 1, CD, BA, ED, (4.1) = 4$

4c1: $EB = S(4) - 7 - 5 - (5 + 1) - 1 = 1, EC$

(1. 2) = 2

4c2: $DA = S(4) - 7 - 5 - 4 - 3 = 1, DC, BA, EC$

(1. 4) = 4

2.5 months avg wait for merge, req.

ABCDEF 6/15

0 1 2 3 4 5

16/13 1/3 chance in random draw

1 2 3 4 5 6

30/6360 = 190,800 unique 6-month rotations

20/15 = 1 1/3 month average for part merge in either role = 40.58 days

AB AC AD AE AF BA BC BD BE BF 0: 2:6:1/3:190800 = 63600 5

CA CB CD CE CF 1:2:5:3:127200 = 50880 4

DA DB DC DE DF 2:1:2:1/2:76320 = 38160 3

EA EB EC FD EF 3:2:3:1/3:38160 = 25440 2

FA FB FC FD FF 4:1:1:1:12720 = 12720 1

190800 30 0: 6(S) = 30 = (n^2 - n)

6360 1 1: 6(S) - 9 = 21 AB = (n^2 - 3n + 3)

216 1 2: BA = 6(S) - 9 - 9 = 12, n = 4

2112 8 3: BC = 6(S) - 9 - 8 = 13, BD, BF, BE, CA, DA, EA, FA, n = 5 @ 1 $\frac{1}{4} \cdot 2112 = 528$ 4032 12 2: CD = 6(S) - 9 - 7 = 14, CE, CF, DC, DE, DF, EC, FD, EF, FC, FD, FE $\frac{1}{2} \cdot 4032 = 2016$ 216 12 3: CB = 6(S) - 9 - 9 - 5 = 7, BE, CF, PC, DE, DF, EC, FD, EF, FC, FD, FE $\frac{1}{2} \cdot 216 = 108$ 2544

12 1 3b1: CA = 6(S) - 9 - 8 - 7 = 6, n = 3

108 6 3b2: CD = 6(S) - 9 - 8 - 6 = 7, CE, CF, DA, EA, FA $\frac{1}{3} \cdot 108 = 36$ 144 6 3b3: DE = 6(S) - 9 - 8 - 5 = 8, DF, FD, EF, FC, FE, n = 5 @ 2 $\frac{2}{3} \cdot 144 = 96$

72 4 3c1: BA = 6(S) - 9 - 7 - 7 = 7, BC, DA, DC, n = 4 @ 1

192 8 3c2: BE = 6(S) - 9 - 7 - 6 = 8, BF, DE, DF, FA, FC, FA, FC, n = 8 @ 2 $\frac{1}{2} \cdot 192 = 96$ 72 2 3c3: EF = 6(S) - 9 - 7 - 5 = 9, FE $\frac{3}{2} \cdot 72 = 72$

2 1 4a1: DC = 6(S) - 9 - 9 - 5 = 2, n = 1 408

8 4 4a2: DB = 6(S) - 9 - 9 - 5 - (4+1) = 2, DF, EC, FC $\frac{1}{2} \cdot 8 = 4$ 8 2 4a3: EF = 6(S) - 9 - 9 - 5 - 3 = 4, FE $\frac{3}{2} \cdot 8 = 12$ 12 6 4b1: DE = 6(S) - 9 - 8 - 7 - (3+1) = 2, DE, ED, EF, FD, FE $\frac{2}{3} \cdot 12 = 8$

2 1 4b2: DA = 6(S) - 9 - 8 - 6 - 5 = 2, n = 2

8 4 4b3: DE = 6(S) - 9 - 8 - 6 - (4+1) = 2, DF, EA, FA, n = 3 @ 1 $\frac{1}{2} \cdot 8 = 4$ 8 2 4b2c: EF = 6(S) - 9 - 8 - 6 - 3 = 4, FE $\frac{3}{2} \cdot 8 = 12$

$$8 \cdot 4: 4b3a: (A=6(S)-9-8-5-(S+1)=2, CD, EA, FD)$$

$$16 \cdot 4: 4b3b: (B=6(S)-9-8-5-4=4, EF, FA, FD) \quad 4 \cdot 16 = 16$$

$$2 \cdot 2: 4a1a: DC=6(S)-9-7-7-5=2$$

$$8 \cdot 4: 4a1b: DB=6(S)-9-7-7-(4+1)=2, DF, EC, FC \quad 8 \cdot 8 = 4$$

$$8 \cdot 2: 4a1c: EF=6(S)-9-7-7-3=4, FE \quad 8 \cdot 8 = 8$$

$$8 \cdot 4: 4a2a: DA=6(S)-9-7-6-(S+1)=2, DC, EA, FC$$

$$16 \cdot 4: 4a2b: DF=6(S)-9-7-6-4=4, EF, FA, FC \quad 4 \cdot 16 = 16$$

$$36 \cdot 9: 4b3: BA=6(S)-9-7-6-5=4, BC, BF, DA, DC, DE, FA, FC, FE \quad 36 \cdot 9 = 324$$

$$2 \cdot 2: 5a1: EF=6(S)-9-9-5-5-1=1, FE$$

$$2 \cdot 2: 5a2: EF=6(S)-9-9-5-(4+1)-1=1, FC$$

$$4 \cdot 2: 5a3: DC=6(S)-9-9-5-3-3=1, DE, FC, FE$$

$$2 \cdot 2: 5b1: EF=6(S)-9-8-7-(3+1)-1=1, FD$$

$$2 \cdot 2: 5b2a: EF=6(S)-9-8-6-5-1=1, FE$$

$$2 \cdot 2: 5b2b: EF=6(S)-9-8-6-(4+1)-1=1, FA$$

$$4 \cdot 2: 5b2c: DA=6(S)-9-8-6-3-3=1, DE, FA, FE$$

$$2 \cdot 2: 5b3a: EF=6(S)-9-8-5-(S+1)-1=1, FD$$

$$4 \cdot 2: 5b3b: FA=6(S)-9-8-5-4-3=1, ED, FA, FD$$

$$2 \cdot 2: 5c1a: EF=6(S)-9-7-7-5-1=1, FE$$

$$2 \cdot 2: 5c1b: EF=6(S)-9-7-7-(4+1)-1=1, FC$$

$$4 \cdot 2: 5c1c: DC=6(S)-9-7-7-3-3=1, DE, FC, FE$$

$$2 \cdot 2: 5c2a: EF=6(S)-9-7-6-(S+1)-1, FC$$

$$4 \cdot 2: 5c2b: FA=6(S)-9-7-6-4-3=1, EC, FA, FC$$

$$4 \cdot 2: 5c3: DC=6(S)-9-7-6-5-3=1, DE, FC, FE$$

ABCDEF	7/21	3 months are used for emerging msg
0123456	14.29% chance in random draw	
1234567	$42 \cdot 22480 = 9344160$ unique 7-month rotations	
	$\frac{35}{21} = 1 \frac{2}{3}$ month is used for each msg. with total = 50.73 days	
AA AB AC AD AF AF AG	$0; 6; \frac{2}{3} \cdot 9344160 = 2669760$	
BA BB BC BD BF BF BG	$1; 5; \frac{1}{3} \cdot 6674400 = 2224800$	
CA CB CC CD CF CG	$2; 4; \frac{2}{3} \cdot 4449600 = 1779840$	
DA DB DC DD DF DF DG	$3; 3; \frac{1}{2} \cdot 2669760 = 1334880$	
EA EB EC ED EF FG EG	$4; 2; \frac{2}{3} \cdot 1334880 = 889920$	
FA FB FC FD FE FG GF	$5; 1; \frac{1}{3} \cdot 444960 = 444960$	
GA GB GC GD GE GF GG		

9344160	32	$0: 7(6) = 42 = n^2 - n$
2224800	31	$1: AB: 7(6-1) = 35 = n^2 - 3n + 3 = 2224800$
5280	1	$2: BA: 7(6)-11-11 = 20: 5280$ (see $n=5$)
63600	10	$2: BC: 21 = 6360$ (see $n=6$ @ 1), BD, BE, BF, BG, CA, DA, EA, FA, GA
153600	20	$2: CD: 22 = 15360$ (see $n=7$ @ 1), CE, CF, CG, DC, DB, DF, DG, FC, FD, FE, EG, FG, FD, FE, FG, GC, GD, GE, GF
1056	4	$3: BA: 3, Smallest = 264$ (see $n=5$ @ 1), BC, DA, DC
4032	12	$3: 2: BE: 14$ (from the 32) (see $n=6$ @ 2), BF, BG, DE, DF, DG, EA, EC, FA
2592	6	$3: 3: EF: 15$ (from the 32), EG, FE, FG, GE, GF
216	9	$4: 3: BA: 8$ (from the 24) (see $n=6$ @ 3), BC, BE, DA, DG, DE, FA, FC, FE
216	6	$4: 3: BG: 9$ (from the 36) (see $n=6$ @ 3), DF, FG, GA, GC, GB

3.5 month ave. wait for port. emerg. req.

A B C D E F G H 8/28

0 1 2 3 4 5 6 7 12.5% chance in random draw

1 2 3 4 5 6 7 8 598,066,560 unique 8-month rotations

56 = 2 month ave. wait for port. req. in either case

AA AB AC AD AE AF AG AH 0:7; $\frac{1}{4} \cdot 598,066,560 = 149516640$ BA BB BC BD BE BF BG BH 1:6; $\frac{2}{3} \cdot 448849920 = 128157120$ CA CB CG CD CF CF CG CH 2:5; $\frac{3}{5} \cdot 320392800 = 106797600$ DA DB DC DA DE OF DG DH 3:4; $\frac{2}{5} \cdot 213598200 = 85438080$ EA EB EC BD BE EF EH 4:3; $\frac{1}{2} \cdot 108157120 = 64078560$ FA FB FC FD FE FF FG FH 5:2; $\frac{3}{2} \cdot 64078560 = 42719040$ GA GB GC GD GE GF GG GH 6:1; $\frac{1}{7} \cdot 213598200 = 21359820$

HA HB HC HD HE HF HG

56 0:8(7) = 56 = $n^2 - n$

1 1:AB; 8(7) - 13 = 43 = $n^2 - 3n + 3$

1 2:BA; 30; 940,800 (seen = 6)

12 2b:BC; 31; 222480; 7m2he; BD, BE, BF, BH, CA, DA, EA, FA, GA, HA

30 3c:CD; 30; 8m9he; 260640; CE, CF, CG, CH, DC, DE, DF, DG, DH, EC, ED, EF, EG, EH, FC, FD, FE, FH, GH, GL, GD, GF, GH, HC, HD, HE, HF, HG

4 3d:RA; 21; 6m2hei; 6360 (n = 6 @ 1); BC, DA, DC

16 3c2:BE; 22; 7m4hei; 7680 (n = 7 @ 2); BE, BG, BH, DE, DF, DG, DH, EA, BC, FA, FC, GA, GC, HA, HC

12 3c3:EF; 23; 8m6hei; 9360; EG, EH, FF, FG, FH, GE, GF, GH, HE, HF, HG

9 4c3:BA; 14; 6m4hei; 336 (n = 6 @ 2); BC, BE, DA, DC, DE, FA, FC, FE

5184 12 4c3:BF; 15; 7m6hei; 1432 (n = 7 @ 3); BH, DG, DH, FG, FH, GA, GC, GF, HA, HC, HE

2 4c3:GH; 16; 8m8hei; 576; HG

16 5c3c1:BA; 9; 6m6hei; 36 (seen = 6 @ 3); BC, BE, BG, DA, DC, DE, DG, FA, FC, FG, HA, HC, HE, HG

Exhibit 10

28 CFR

§ 540.20 Inmate correspondence with representatives of the news media.

- (a) An inmate may write through "special mail" to representatives of the news media specified by name or title (see § 540.2(b)).
- (b) The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as reporter.
- (c) Representatives of the news media may initiate correspondence with an inmate. Staff shall open incoming correspondence from representatives of the media and inspect for contraband, for its qualification as media correspondence, and for content which is likely to promote either illegal activity or conduct contrary to Bureau regulations.

[50 FR 40109, Oct. 1, 1985; 75 FR 21163, 21164, Apr. 23, 2010, as corrected at 75 FR 25110, 25111, May 7, 2010, and as confirmed at 77 FR 19932, 19933, Apr. 3, 2012]

Exhibit 11

28 CFR

§ 540.100 Purpose and scope.

(a) The Bureau of Prisons extends telephone privileges to inmates as part of its overall correctional management. Telephone privileges are a supplemental means of maintaining community and family ties that will contribute to an inmate's personal development. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose. However, limitations and conditions may be imposed upon an inmate's telephone privileges to ensure that these are consistent with other aspects of the Bureau's correctional management responsibilities. In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations which the Warden determines are necessary to ensure the security or good order, including discipline, of the institution or to protect the public. Restrictions on inmate telephone use may also be imposed as a disciplinary sanction (see 28 CFR part 541).

(b) Except as provided in this rule, the Warden shall permit an inmate who has not been restricted from telephone use as the result of a specific institutional disciplinary sanction to make at least one telephone call each month.

[44 FR 38249, June 29, 1979; 59 FR 15824, Apr. 4, 1994; 61 FR 90, Jan. 2, 1996]

[EFFECTIVE DATE NOTE: 61 FR 90, Jan. 2, 1996, which revised the fifth sentence in paragraph (a), became effective Jan. 2, 1996.]

Exhibit 12

28 CFR

§ 541.31 Conditions of confinement in the SHU.

Your living conditions in the SHU will meet or exceed standards for healthy and humane treatment, including, but not limited to, the following specific conditions:

- (a) Environment. Your living quarters will be well-ventilated, adequately lighted, appropriately heated, and maintained in a sanitary condition.
- (b) Cell Occupancy. Your living quarters will ordinarily house only the amount of occupants for which it is designed. The Warden, however, may authorize more occupants so long as adequate standards can be maintained.
- (c) Clothing. You will receive adequate institution clothing, including footwear, while housed in the SHU. You will be provided necessary opportunities to exchange clothing and/or have it washed.
- (d) Bedding. You will receive a mattress, blankets, a pillow, and linens for sleeping. You will receive necessary opportunities to exchange linens.
- (e) Food. You will receive nutritionally adequate meals.
- (f) Personal hygiene. You will have access to a wash basin and toilet. You will receive personal items necessary to maintain an acceptable level of personal hygiene, for example, toilet tissue, soap, toothbrush and cleanser, shaving utensils, etc. You will ordinarily have an opportunity to shower and shave at least three times per week. You will have access to hair care services as necessary.
- (g) Exercise. You will receive the opportunity to exercise outside your individual quarters at least five hours per week, ordinarily on different days in one-hour periods. You can be denied these exercise periods for a week at a time by order of the Warden if it is determined that your use of exercise privileges threatens safety, security, and orderly operation of a correctional facility, or public safety.
- (h) Personal property. In either status, your amount of personal property may be limited for reasons of fire safety or sanitation.

(1) In administrative detention status you are ordinarily allowed a reasonable amount of personal

property and reasonable access to the commissary.

(2) In disciplinary segregation status your personal property will be impounded, with the exception of limited reading/writing materials, and religious articles. Also, your commissary privileges may be limited.

(i) Correspondence. You will receive correspondence privileges according to part 540, subpart B.

(j) Telephone. You will receive telephone privileges according to part 540, subpart I.

(k) Visiting. You will receive visiting privileges according to part 540, subpart D.

(l) Legal Activities. You will receive an opportunity to perform personal legal activities according to part 543, subpart B.

(m) Staff monitoring. You will be monitored by staff assigned to the SHU, including program and unit team staff.

(n) Programming Activities. In administrative detention status, you will have access to programming activities to the extent safety, security, orderly operation of a correctional facility, or public safety are not jeopardized. In disciplinary segregation status, your participation in programming activities, e.g., educational programs, may be suspended.

(o) Administrative remedy program. You can submit a formal grievance challenging any aspect of your confinement in the SHU through the Administrative Remedy Program, 28 CFR part 542, subpart B.

[75 FR 76263, 76273, Dec. 8, 2010; 76 FR 11078, 11079, Mar. 1, 2011]

[EFFECTIVE DATE NOTE: 75 FR 76263, 76273, Dec. 8, 2010, revised Subpart B, effective Mar. 1, 2011; 76 FR 11078, 11079, Mar. 1, 2011, delayed the effective date of the amendment appearing at 75 FR 76263, 76273, Dec. 8, 2010, until June 20, 2011.]

Exhibit 13

28 CFR

§ 540.2 Definitions.

(a) General correspondence means incoming or outgoing correspondence other than "special mail". "General Correspondence" includes packages sent through the mail.

(1) Open general correspondence means general correspondence which is not limited to a list of authorized correspondents, except as provided in § 540.17.

(2) Restricted general correspondence means general correspondence which is limited to a list of authorized correspondents.

(b) Representatives of the news media means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

(2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

(3) A national or international news service; or

(4) A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.

(c) Special Mail means correspondence sent to the following: President and Vice President of the United States, the U.S. Department of Justice (including the Bureau of Prisons), U.S. Attorneys Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts (including U.S. Probation Officers), Members of the U.S. Congress, Embassies and Consulates, Governors, State Attorneys General, Prosecuting Attorneys, Directors of State Departments of Corrections, State Parole Commissioners, State Legislators, State Courts, State Probation Officers, other Federal and State law enforcement offices, attorneys, and